

APPENDIX D.

United States Constitution, Amendment I:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

APPENDIX E.

United States Constitution, Amendment XIV, Section 1:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

APPENDIX F.

28 U. S. C., § 1257:

“Final judgments or decrees rendered by the highest court of a State in which a decision could be reviewed by the Supreme Court as follows:

“(2) By appeal, where is drawn in question the validity of a statute of any state on the grounds of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.”

APPENDIX G.

Title 13, Section 349, Code of Alabama, 1940:

“§ 349. (3887) (6725) (4622) (4226) (4724) (4054) (504) Appeal to circuit court; appeal bond.—In all cases of conviction in the county court, the defendant shall have the right of appeal to the circuit court of the county, and on entering into bond, with sufficient surety, to appear at the session of the court to which the appeal is taken, and from session to session until discharged; the bond to be in such penalty as the judge of the county court may prescribe, and to be approved by him. If the defendant does not make the bond required, he shall remain in custody.”

APPENDIX H.

Title 15, Section 363, Code of Alabama, 1940:

“§ 363 (3843) (6730) (4627) (4231) (4729) (4059) (509) Trial of appeal de novo; statement of cause of complaint—The trial in the circuit court shall be de novo, and without any indictment or presentment by the grand jury; but the solicitor shall make a brief statement of the cause of complaint signed by him, which may be in the following form:

The State of Alabama, }
..... County. }

In the circuit court,, 19..

On appeal from the county court.

The State of Alabama, by its solicitor, complains of C. D., that, within twelve months before the commencement of this prosecution, he did (here describe the offense as in cases of indictment).

G. H., solicitor.”

APPENDIX I.

Title 15, Section 366, Code of Alabama, 1940:

“366. (3235) Appeals to the court of appeals.— Wherever jurisdiction is now or may hereafter be conferred on the court of appeals, a review or revision may be had in and by the court of appeals, in the same manner, by the same mode and means as is provided for appeal, review or revision in or by the supreme court; and wherever the appeal or review is taken or attempted to be taken to the supreme court, when it should have been taken to the court of appeals, the supreme court may *ex mero motu* or upon motion have the case, record, and proceedings transferred to the court of appeals for decision and disposition by the court of appeals; and if the appeal or review is taken or attempted to be taken to the court of appeals when it should have been taken to the supreme court, the court of appeals may *ex mero motu* or on motion transfer the case, record and proceedings to the supreme court for disposition by the supreme court. If, however, there should be a conflict or difference of opinion between the two courts, as to which has jurisdiction of the appeal or proceedings to review, the decision of the supreme court shall control.”

APPENDIX J.

Title 13, Section 87, Code of Alabama, 1940:

“§ 87. (7310) Questions of constitutionality referred to supreme court.—If the validity of a statute of this state or of the United States is involved said court of appeals shall so certify and thereupon the transcript and all papers in said cause, with such certificate shall be transmitted to the supreme court and all proceedings conducted thereafter as if said cause had been appealed originally to said supreme court (1911, p. 95).”

APPENDIX K.

“Do We Need Further Warning?

“Mayor Hanes’ proposal to buy the votes of city employees with a promise of pay raises which would cost the taxpayers nearly a million dollars a year was enough to destroy any confidence the public might have had left in him.

“It was another good reason why the voters should vote overwhelmingly today in favor of Mayor-Council government.

“Now Mr. Hanes, in his arrogance, proposes to set himself up as news censor at City Hall and ‘win or lose’ today he says he will instruct all city employees under him to neither give out news regarding the public business with which they are entrusted nor to discuss it with reporters either from the Post-Herald or the News.

“In other words, it is Mr. Hanes’ plan to give to the people of Birmingham only the news he wants them to have and only in the light in which he sees fit to present it.

“The mayor makes a mistake, however, if he thinks he can black out news from City Hall. He is mistaken, too, if he thinks the citizens of Birmingham will let him get away with so brazen an attempt to deny them ready access to what they have a right to know about all that goes on at City Hall.

“Do the people of Birmingham need a more serious warning?

“If Mayor Hanes displays such arrogant disregard of the public’s right to know on the eve of the election what

can we expect in the future if the City Commission should be retained?

“Let’s take no chances.

“Birmingham and the people of Birmingham deserve a better break. A vote for Mayor-Council government will give it to them.”

